

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9, 15-23, 29-37, 43, and 44 are pending, Claims 1, 3, 6, 15, 17, 20, 29, and 31 having been presently amended.

In the outstanding Office Action, Claims 1-4, 15-18, and 29-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Biorge et al (U.S. Pat. No. 5,806,045). Claims 5-9, 19-23, and 33-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Biorge et al. Claim 44 is rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Stewart (U.S. Pat. No. 6,452,498).

First, Applicants acknowledge with appreciation the courtesy of Examiner Champagne to discuss this case prior to filing a Request for Continued Examination. During these discussions, it was discussed that one attribute of the present invention provides advertisers with information related to a consumer's purchase history (i.e. a purchase behavior classification) without divulging to the advertisers data in the purchase history database.¹ The prior system of Biorge et al (the primary art reference) offers no such advantages.

For example, Biorge et al disclose:

At this point, all applicable files stored on the customer device are opened for the purpose of processing and computing incentive credits. The transaction may be a purchase of a good or a service from the provider. From this transaction, a transaction amount is derived 22. Based on the transaction amount, and perhaps some other criteria such as the level of participation by multiple providers, the number of monthly transactions, and other programmable options, an incentive credit amount is computed 24. The incentive credit amount represents the amount of credits to be allocated to the customer from the present purchase.²

¹ Specification, page 4, lines 8-11, and page 21, lines 4-8.

² Biorge et al, column 5, lines 19-33.

Thus, Biorge et al access a purchase history database (e.g., accessed from the customer device) to select and deliver targeted advertisements.

Given this understanding of the presently claimed invention and the applied prior art, Applicants respectfully submit that independent Claims 1, 3, 15, 17, 29, and 31, as presently amended, and the claims dependent therefrom, patentably define over the applied prior art.

Consequently, in view of the present amendment and in light of the above discussions, the application is believed to be in a condition for allowance. Therefore, an early and favorable action is respectfully requested.

Respectfully submitted,

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